



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB2504

Introduced 2/18/2015, by Rep. David Harris

#### SYNOPSIS AS INTRODUCED:

755 ILCS 5/11a-4

from Ch. 110 1/2, par. 11a-4

Amends the Probate Act of 1975. In a subsection concerning the length of a temporary guardianship, provides that an extension of the guardianship may be granted, if specified conditions are met, for no longer than 90 (instead of 120) days. Provides that only one extension shall be allowed from the date the temporary guardian was originally appointed.

LRB099 10387 HEP 30614 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Probate Act of 1975 is amended by changing  
5 Section 11a-4 as follows:

6 (755 ILCS 5/11a-4) (from Ch. 110 1/2, par. 11a-4)

7 Sec. 11a-4. Temporary guardian.

8 (a) Prior to the appointment of a guardian under this  
9 Article, pending an appeal in relation to the appointment, or  
10 pending the completion of a citation proceeding brought  
11 pursuant to Section 23-3 of this Act, or upon a guardian's  
12 death, incapacity, or resignation, the court may appoint a  
13 temporary guardian upon a showing of the necessity therefor for  
14 the immediate welfare and protection of the alleged disabled  
15 person or his or her estate on such notice and subject to such  
16 conditions as the court may prescribe. In determining the  
17 necessity for temporary guardianship, the immediate welfare  
18 and protection of the alleged disabled person and his or her  
19 estate shall be of paramount concern, and the interests of the  
20 petitioner, any care provider, or any other party shall not  
21 outweigh the interests of the alleged disabled person. The  
22 temporary guardian shall have all of the powers and duties of a  
23 guardian of the person or of the estate which are specifically

1 enumerated by court order. The court order shall state the  
2 actual harm identified by the court that necessitates temporary  
3 guardianship or any extension thereof.

4 (b) The temporary guardianship shall expire within 60 days  
5 after the appointment or whenever a guardian is regularly  
6 appointed, whichever occurs first. No extension shall be  
7 granted except:

8 (1) In a case where there has been an adjudication of  
9 disability, an extension shall be granted:

10 (i) pending the disposition on appeal of an  
11 adjudication of disability;

12 (ii) pending the completion of a citation  
13 proceeding brought pursuant to Section 23-3;

14 (iii) pending the appointment of a successor  
15 guardian in a case where the former guardian has  
16 resigned, has become incapacitated, or is deceased; or

17 (iv) where the guardian's powers have been  
18 suspended pursuant to a court order.

19 (2) In a case where there has not been an adjudication  
20 of disability, an extension shall be granted pending the  
21 disposition of a petition brought pursuant to Section 11a-8  
22 so long as the court finds it is in the best interest of  
23 the alleged disabled person to extend the temporary  
24 guardianship so as to protect the alleged disabled person  
25 from any potential abuse, neglect, self-neglect,  
26 exploitation, or other harm and such extension lasts no

1 more than 90 ~~120~~ days from the date the temporary guardian  
2 was originally appointed. Only one extension shall be  
3 allowed from the date the temporary guardian was originally  
4 appointed.

5 The ward shall have the right any time after the  
6 appointment of a temporary guardian is made to petition the  
7 court to revoke the appointment of the temporary guardian.

8 (Source: P.A. 97-614, eff. 1-1-12.)